

APPROVED 3/29/04

TOWN OF WESTFORD

PLANNING BOARD

MINUTES

DATE: March 15, 2004

TIME: 7:30 P.M.

PLACE: Westford Academy Choral Room

PRESENT: Peter Fletcher, Andrea Peraner-Sweet, Michael Green,
Fred Palmer

ABSENT: Robert Shaffer

OTHERS

PRESENT: Tim Greenhill-Town Planner, James Arsenault-
Town Engineer, Audience Members

OPEN FORUM

Weetamoo Site Walk – Palmer asked if the site walk had been scheduled. Greenhill indicated that the site walk has not been scheduled as yet.

FY 05 Budget – Palmer recalled that he requested at the last meeting carrying over the money in the MPIC line item into the FY05 budget. Palmer asked what was required in order to carry over the money. Greenhill to determine the process and report back at the next meeting.

Texaco, Route 40 – Greenhill reported that he sent a letter to the Texaco and was awaiting a response.

SITE PLAN REVIEW & SPECIAL PERMIT WRPD - 27 CARLISLE ROAD *Mack Technology Inc., Continued from March 1, 2004*

Board closed the public hearing on March 1, 2004. Staff received comments from the Fire Department indicating that door egress is acceptable as an employee entrance and exit with the alarm and monitoring devices in place.

The Board revised Condition #20 for the Site Plan Review as follows: ***The Doorway adjacent to the proposed LN2 tank will be fitted with seals to eliminate the infiltration of dangerous gases...***

It was moved by Green, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 ABSENT (Shaffer), to grant a Special Permit to Mack Technologies, Inc., 27 Carlisle Road, for an addition of an LN2 Tank under the Water Resource Protection District Bylaw in accordance with Staff Memo dated March 1, 2004.

It was moved by Green, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 ABSENT (Shaffer), to grant Site Plan Amendment to Mack Technologies, Inc., to construct an additional LN2 Tank at 27 Carlisle Road, proposed work in accordance with the Site Plan dated December 17, 2003, revised through February 12, 2004, and in accordance with Staff Memo dated March 1, 2004 and the conditions therein as amended here this evening.

DISCUSSION ITEM – HUNT ROAD EXTENSION

Bentley Building Corp.

Attorney Howard Hall was present for the applicant. Hall recalled that they were before the Board in July seeking the Board's preference in allowing an ANR plan off of an old town in lieu of doing two lots off Lowell Road. Hall stated that a new house has been built in the location they were considering. An arrangement has been worked out to provide access to the old road again. Hall stated that their intent is to continue discussions with the Board and to see if they can get plans done. Hall referenced a letter from the Westford Historical Commission dated March 6, 2004 which outlined several suggestions. Hall stated that the applicant did not have any problems with the suggestions of the Westford Historical Commission and that they would be willing to work with that Commission and provide the items that they have indicated. Hall stated that the applicant is also willing to donate a piece of property for Conservation Restriction. Hall pointed out the locations on a map.

Greenhill indicated that the exact location of the indicated easement remains to be defined. Hall stated that they indicated to the Selectmen that discontinued public maintenance of the road occurred in approximately 1861. The specific condition on that was to continue to serve as access to the individual lot owners. Hall stated that the applicant has the right-of-way to enter the property down the roadway. Fletcher reported that Ken Tebbetts, Chairman of the Historical Commission, has requested making a presentation to the Board on March 29th regarding their comments provided in their March 6th letter. Green asked Hall to write out the Town Meeting action that took place in 1861. Green referenced a letter from Town Counsel dated June 11, 2003 regarding access. Hall stated that the applicant is willing to upgrade the roadway as the Board may require. Peraner-Sweet stated that if the deed reads that the

property owner is guaranteed a right-of-way they would be entitled access as a right-of-way to get to the property.

Fletcher referenced a letter from Monadnock Berries dated March 2, 2004 in opposition to the plan to construct an access road across the Town Conservation Orchard. Green pointed out that the letter indicates safety issues concerning pesticide spraying. Hall disagreed that the spraying would pose a safety risk. Green asked for suggestions on how to deal with the operation and access to the orchard. Hall stated that a gate could be installed. The applicant also suggested that the driveway could be a gravel surface.

Bill Harman, 10 Chamberlain Road, spoke in support of the Westford Historical Commission suggestion to preserve the road as historical.

Peter Mahler, Conservation Commission, asked the Board to defer action on this item until the Commission has an opportunity to receive a legal opinion from Town Counsel regarding the liability issues pertaining to the town-owned land. The Board concurred.

Roberta Maguire, 60 Chamberlain Road, believed that the issue of concern with Monadnock Berries is general access to the orchard. Currently the orchard is secured by a chain. Maguire stated that the abutters are concerned that if the road is open there will be vandalism at night. Maguire asked if the applicant considered using Tavern Circle as an access way. Green stated that the only connection is from Calista Terrace. Maguire asked what controls there would be to ensure that the driveway will be gravel rather than pavement. Hall stated that the Board can make that a condition of approval or it can be put on the plan. Fletcher stated that a covenant can be placed on the deed.

Ann Jefferies, 11 Boston Road, asked if the roadway was considered a road or a driveway. Fletcher stated that Town Counsel is reviewing that issue but it will probably be a driveway.

Continued to March 29, 2004 at 8:05 p.m.

DISCUSSION ITEM – ROLLING MEADOWS

Dave Skerritt – Middlesex Corporation

There was no one present for this item.

PUBLIC HEARING – COOLIDGE AVENUE EXTENSION – DEFINITIVE PLAN MODIFICATION

Behind 10 Moore Street, Paul and Leah Lemieux, Cont. from February 17, 2004

Matt Water, LANDTECH Consultants, was present for the applicant. Waterman stated that he provided the plans to Staff this evening. Waterman outlined the revised plans. Peraner-Sweet recalled that an abutter had asked whether she

could take access off the new roadway. Waterman stated that he would follow up on that matter. Peraner-Sweet reported that she received a telephone call from an abutter seeking landscaping and buffering between the house and the abutting properties. Green asked the applicant to seriously consider access for abutting properties onto Coolidge Ave Ext. Greenhill reported that he received a call from an abutter indicating that some trees had been cut down within the right-of-way and whether the street tree clause would apply. Greenhill stated that since it is not a town-owned street the clause would not apply. Waterman to provide an extension. Continued to April 20, 2004 at 7:50 p.m.

**PUBLIC HEARING – WESTFORD VALLEY MARKETPLACE, SITE PLAN
REVIEW AND SPECIAL PERMIT**

174 Littleton Road, A.A. Burns and Company, Open Public Hearing

It was moved by Peraner-Sweet, seconded by Green, and VOTED 4 IN FAVOR WITH 1 ABSENT (Shaffer), to open the public hearing.

Robert Buckley of Riemer and Braunstein, Melissa Cushing, Land Use Planner, Tom Cook, Oak Engineering and Peter Quinn, Peter Quinn Architects, were present for the applicant. Buckley proposed the construction of a 22' x 13' 14" wastewater treatment plant that will be attached to the existing building at Westford Valley Marketplace II. This matter is currently before the Massachusetts Department of Environmental Protection for a groundwater discharge permit. Buckley stated that there will be no additional vehicle traffic associated with the treatment plant.

Cook outlined the plans for the proposed wastewater treatment plant in the northwest corner of the lot (in front of Burger King). Cook stated that the facility will handle all of the wastewater flow on the site (Marketplace I and II) and permitted through the Groundwater Discharge Program of Mass DEP. Plans were submitted to DEP on February 13, 2004. Cook expected comments and/or approval from DEP in the near future. Cook distributed the revised site plan and a letter to Board outlining the responses to the comments provided by the various town departments. Cook outlined the plans for the gravity sewer system to collect the flow and discharge to the wastewater plant.

Quinn outlined the proposed architecture of the wastewater treatment plant.

Fletcher stated that the Board will be looking at the site plan for Marketplace I and II at the same time because the applicant is now combining the sites together with the septic. Fletcher stated that the Board wants to tie Marketplace I and II together with the site plan as well to look at lighting, traffic circulation, etc. Fletcher stated that the Board is looking for some shared access between Marketplace I and II and the site of the Westford Grille to try to provide access internally. Fletcher stated that the Westford Grille is under separate ownership but there are provisions in the site plan for shared access. Buckley stated that they are only addressing a public health issue. Buckley indicated that he would discuss the access issue with the applicant.

Buckley stated that as soon as they receive the Groundwater Discharge Permit from DEP they would like to begin construction as soon as possible. Buckley estimated completing the project by September 1st. Buckley stated that he would provide a sequencing arrangement for the temporary shifting of parking. Peraner-Sweet stated that the Board will want to see the construction, the phasing and the sequencing of the parking. Green asked for more detail on the venting of the plant. The Board requested that the applicant look into the use of alternatives to the methanol. The Board requested an opinion from Town Counsel regarding the issue of the need for a separate application for Marketplace I and the proper procedure if needed.

Al Sateriale, 11 Fieldstone Drive, asked what recourse the abutters have to correct any problems relative to filtering and venting. Buckley stated that under the law an odor can constitute a nuisance and that the Town can enforce sanctions. Sateriale was concerned with odors traveling into the neighborhood.

Bob Morawiak, 24 Fieldstone Drive, stated that he was under the impression that the building was fully sized for that property regarding setbacks, etc. Morawiak asked if the applicant was within the limits. Cook stated that the plans meet the front and side setbacks. Green asked Cook to show the setbacks on the plans. Morawiak asked if Marketplace I and II were under separate ownership. Buckley stated that at one time they were owned separately but have been combined for approximately ten years.

Continued to April 20, 2004 at 8:10 p.m.

PUBLIC HEARING – 74 STONY BROOK ROAD – PRELIMINARY SUBDIVISION

74 Stony Brook Road, Norse Design Services Inc., Open Public Hearing

It was moved by Peraner-Sweet, seconded by Green, and VOTED 4 IN FAVOR WITH 1 ABSENT (Shaffer), to open the public hearing.

Attorney Howard Hall, Jeff Hannaford, Norse Design Services, and Keith Murray, DK Engineering, were present. Hall outlined the plans for the 3-lot subdivision on the six acre site with one of the lots fronting on Stony Brook Road. Hall stated that the roadway is on the easterly side of the property. Hall stated that three plans have been submitted to the Town. The first plan has a cul-de-sac, the second plan has an elongated “T” turnaround in the middle of the cul-de-sac, and the third plan has a shorter cul-de-sac with a “T” turnaround in it. Hall pointed out the wetlands locations delineated on the plans. Hall proposed filling part of the wetlands to provide access to the property. Murray outlined the open drainage system. Peraner-Sweet recommended that the applicant determine the date when the existing dwelling was built to see if it qualifies as historic. Green was concerned with an open drainage system on this type of site with wetlands, particularly pertaining to snow storage.

Arsenault stated that he would prefer piped drainage. Arsenault stated that there is insufficient site distance to West Street. Green asked for an expanded locus plan showing the abutting properties. Hall asked the Board for their preference of plans. It was the consensus of the Board that Plan "C" was the better plan. Peraner-Sweet asked Hall to discuss with the applicant when thinking about the waivers they will be requesting, if they would be willing to consider the first house as creating an affordable housing unit for the Town. Hall stated that he would discuss that suggestion with the applicant. The Board to conduct a site visit (date to be determined).

Robert Rubin, 21 Villanova Drive, stated that there is a brook easement on his property. Rubin asked the Board to be mindful of the slope. Rubin was concerned with groundwater entering and flooding his backyard during construction.

Steven Lebrun, 68R Stony Brook Road, asked if there were any plans to screen abutting properties. Hall stated that screening will be looked at during the subdivision process.

Bill Harman, 10 Chamberlain Road, stated that the land on the other side of the railroad track is a very attractive piece of land and that there are several pieces of Conservation land in the vicinity. Trails have been placed throughout the area. Harman stated that the Dean family had indicated that they thought the land would eventually become Conservation land. Harman stated that he hoped that it would become Conservation land in the future.

Continued to April 20, 2004 at 8:30 p.m.

**PUBLIC HEARING – WESTFORD TECH PARK WEST – SITE PLAN
REVIEW, SPECIAL PERMITS**

***Concord/Powers Road, Westford Realty Trust (Gutierrez), Continued from
March 1, 2004***

Michael Holland and the Electrical Engineer/Lighting Designer, Symmes Maini & McKee, Doug Fainelli of Gutierrez and Attorney Douglas Deschenes, were present.

Peraner-Sweet reiterated her request to Fainelli to be provided with a summary of the open space calculations and setbacks. Fainelli to provide.

Holland stated that they submitted a lighting plan for the proposed project which chose to deliberately ignore the zoning bylaw in terms of the standards of lighting and illumination. Holland stated that they tried to adapt the lighting to the IEES Guidelines for parking lot lighting.

Jim Stockman, J & M Lighting Design, Inc., Peer Review Consultant, for the Town outlined his review of the lighting plan as addressed in a report dated March 11, 2004.

The Electrical Engineer/Lighting Designer from Symmes Maini & McKee made a presentation of the proposed Lighting Plan.

Peraner-Sweet asked that the applicant prepare a model of the lighting.

Lauren Coffey, 178 Concord Road, invited the lighting consultants and Planning Board members to her home to understand her view shed issues. Coffey was concerned that the lighting will be directly at the height of her house. Coffey was also concerned with the possibility of creating hazards with the new proposed lighting of the intersection given the variability of the elevations of the intersection and the tech park.

Peter Severance, 3 Snow Drive, was concerned that if the poles are raised from 20 to 30 feet it would increase the reflectivity by fifty percent on foggy nights.

Tom Spuhler, 232 Concord Road, felt that it was important to know how much light will be seen across the property lines. Spuhler was concerned with the lights intruding into the view shed. Spuhler asked for clarification regarding the colors of materials and their reflectivity. Stockman pointed out that a white-colored pole (with side lighting) will be very visible at night but a dark-colored pole will absorb the light. Stockman stated that lighting on top of a pole will not be visible at night because the pole is directly under the light. Stockman stated that the darker the building the more it will absorb light. Peraner-Sweet pointed out that the Board will be looking at colors of the buildings, glass being used in the buildings, etc. during site plan review. Spuhler urged the Board to ask the applicant to provide a video perspective as to what the buildings will look like from drivers' eye height from the surrounding roadways and the abutting residential properties.

Lauren Coffey, 178 Concord Road, asked if there is a formula or scientific measure to determine the intrusiveness of the lights from the seven additional buildings. Fletcher noted that more buildings will be more intrusive.

Peter Lash, Bear Hill Terrace, felt that more buildings give the visual feeling of a wall of buildings. Lash stated that the Netscout building looks like it rises out of the ground based upon the berm and the elevation and curves of the road. Lash urged the Board that when looking at landscaping to consider the high forested, well-planted berms that can provide a visual barrier.

Stockman recommended going to various sites in Westford with a light meter to measure light levels. The Board concurred.

Deschenes asked for the Board's direction on how to proceed with the lighting plans for the project. Fletcher suggested dealing with the lighting under the context of Site Plan Review.

Peraner-Sweet responded to the many e-mails and calls that she received from residents after the last meeting. Peraner-Sweet stated that the Board has not endorsed nor made a decision relative to this project.

Ron Desrosiers, MDM Transportation Consultants, Inc., responded to the information provided by Rizzo Associates relative to traffic, as outlined in a letter dated March 12, 2004. Green clarified that MDM feels that advanced construction of the bypass or segment of the bypass road would provide the safest alternative to access and egress to the site. Desrosiers concurred. Rick Bryant, Rizzo Associates, stated that the strategy is that putting the light in at the intersection of Route 225 would help all traffic. Bryant asked the Board for direction on how to proceed relative to the traffic issues. Fletcher asked if there was a way to modify the phasing to some extent. Fainelli pointed out that Route 110 is under Mass Highway's jurisdiction. Fainelli will meet with Staff to discuss open items for discussion at the next meeting. Green suggested discussing a possible waiver for lighting for better direction in terms of studies. Peraner-Sweet agreed.

Continued to March 29, 2004 at 8:30 p.m.

MISCELLANEOUS:

Performance Bonds/Items for Signatures – Extension for 52 Flagg Road

DIRECTOR'S REPORT

Site Plan Approval Extension – 7 Lyberty Way – Greenhill reported that he received a request for an extension of Site Plan Approval dated June 4, 2001. The applicant is seeking a one-year extension. There has been no change to the approved plan. The applicant stated that the tenant backed out and delayed the project and that market conditions have also impacted the project. **It was moved by Green, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 ABSENT (Shaffer), to extend Site Plan Approval for 7 Lyberty Way for Site Plan Approval dated June 4, 2001 for a period of one year past June 4, 2004 due to market demand limiting ability to commence construction.**

Growth Management – 85 Pleasant Street – It was moved by Green, seconded by Peraner-Sweet, and **VOTED 4 IN FAVOR WITH 1 ABSENT (Shaffer), to authorize the issuance of a building permit for 85 Pleasant Street, Staff to issue permit under the Growth Management Scheduling, said permit to be issued at Staff's earliest convenience.**

Dead Tree Removal on Weetamoo Way – It was moved by Green, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 ABSENT (Shaffer), to direct Staff to approve the removal of the tree (#2) on Weetamoo Way after consultation with the Tree Warden.

W. D. Coakley Resignation Letter -

Green recognized William Coakley for his many years of service to the Town.

Notice of Intent to Move – 1 Technology Park Drive – Greenhill to research and provide additional details to the Board at the next meeting.

MINUTES

It was moved by Green, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 ABSENT (Shaffer), to approve the minutes of February 17, 2004.

ADJOURNMENT

It was moved by Peraner-Sweet, seconded by Green, and VOTED 4 IN FAVOR WITH 1 ABSENT (Shaffer), to adjourn the meeting.